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In re Application of:
ZWINGGENBERGER, A. et. al.
Application No. **10/576,238**
Filed: May 05, 2006
Docket No. 70566-0221US
Title: SYSTEM FOR MANAGEMENT OF
PROCESSED INSTRUMENTS

DECISION ON PETITION TO
WITHDRAW HOLDING OF
ABANDONMENT UNDER 37
C.F.R. § 1.181

This is a decision on petition filed February 04, 2011 under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner to seek relief from Examiner's action in relation to Notice of Abandonment mailed January 20, 2011, namely, requesting the withdrawal of the notice of abandonment.

This petition is **GRANTED**.

REGULATION AND PROCEDURES

MPEP § 711.03(b) Holding Based on Failure To Reply Within Period

When an amendment reaches the U.S. Patent and Trademark Office after the expiration of the period for reply and there is no dispute as to the dates involved, no question of reconsideration of a holding of abandonment can be presented. However, the examiner and the applicant may disagree as to the date on which the period for reply commenced to run or ends. In this situation, as in the situation involving sufficiency of reply, the applicant may take issue with the examiner and point out to him or her that his or her holding was erroneous

§ 1.136 Extensions of time.

(a) (1) If an applicant is required to reply within a nonstatutory or shortened statutory time period, applicant may extend the time period for reply up to the earlier of the expiration of any maximum period set by statute or **five months** after the time period set for reply, if a petition for an extension of time and the fee set in § 1.17(a) are filed..

DECISION

Upon careful review of the file prosecution history, the above mentioned abandonment is deemed premature and hereby withdrawn.

For the reason(s) above-mentioned this petition is hereby **granted**.

Notice of Abandonment mailed January 25, 2010 is hereby **withdrawn**.

Application will be forwarded to respective Technical Support Staff for withdrawal of Notice of Abandonment mailed January 25, 2010. Application has been forwarded to examiner for proper treatment of Applicant's response mailed January 18, 2011 and issuance of corresponding office action in due course.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/Beatriz Prieto/

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